

**WAUKESHA COUNTY BOARD OF ADJUSTMENT
SUMMARY OF MEETING**

The following is a Summary of the Board of Adjustment Meeting held on Wednesday, June 10, 2009, at 6:30 p.m. in Room AC 255/259 of the Waukesha County Administration Center, 515 W. Moreland Blvd., Waukesha County, Wisconsin, 53188.

BOARD MEMBERS PRESENT: Ray Dwyer
Robert Bartholomew
Walter Schmidt
Tom Day
Nancy Bonniwell

BOARD MEMBERS ABSENT: None

SECRETARY TO THE BOARD: Nancy M. Bonniwell

OTHERS PRESENT: Sheri Mount, Senior Land Use Specialist
Michael Begler, BA09:020, owner
Walter S. Baade III, BA09:019, neighbor
Dale Kolbeck, BA09:019, architect
Jeff Ellis, BA09:019, owner
Mark Beres, BA09:016, builder
Tony & Monica Jennaro, BA09:016, owners
Todd Wozniak, BA09:018, agent
Carol Uebelacker, BA09:020, applicant
Bob Mertins
Mark Mertins
Joe Johnson, BA09:017
Bob Sokolowicz, BA09:020
Ron Reiter, BA09:018, owner
Dennis & Dawn Brady, BA09:021, owners
Paul Schultz, BA09:021, architect
Paul Hoppa, BA09:022, builder

The following is a record of the motions and decisions made by the Board of Adjustment. Detailed minutes of these proceedings are not produced, however, a taped record of the meeting is kept on file in the office of the Waukesha County Department of Parks and Land Use and a taped copy is available, at cost, upon request.

SUMMARIES OF PREVIOUS MEETINGS:

Mr. Day *I make a motion to approve the Summary of the Meeting of May 13, 2009.*

The motion was seconded by Mr. Dwyer and carried 3-0. Mr. Bartholomew and Mr. Schmidt abstained as they were not present at the May 13, 2009 meeting.

NEW BUSINESS:

BA09:016 ANTHONY JENNARO (Owner), MARK BERES (Builder):

Mr. Bartholomew

I make a motion to approve the request, in accordance with the Staff's recommendation, as stated in the Staff Report and for the reasons stated in the Staff Report. The approval would be subject to the conditions recommended in the Staff Report, with Condition Number 5 to be amended to read as follows:

“An inspection of the existing septic system must be made after an appropriate occupancy period (to be determined by the Waukesha County Environmental Health Division), and all issues identified in the May 4, 2009, Preliminary Site Evaluation must be properly addressed and corrected.”

The motion was seconded by Mr. Day and carried unanimously.

The Planning and Zoning Division staff's recommendation was for approval of the requested variances from the shore setback and floodplain setback requirements of the Ordinance with the following conditions:

1. Prior to the issuance of a Zoning Permit for the addition, the patio and hot tub must be completely and permanently removed.
2. A deck may be rebuilt on the lake side of the residence but it must be reconfigured to be located a minimum of 10 ft. from the floodplain in all locations.
3. All areas within 10 ft. of the floodplain and extending to the shore must be restored with vegetation.
4. Prior to the issuance of a Zoning Permit, an updated Plat of Survey showing all existing structures (including any walkways and all other structures that will remain on the property) and the staked-out location of the proposed deck in conformance with all conditions, must be prepared by a registered land surveyor and submitted to the Planning and Zoning Division Staff for review and approval. This survey must show that the patio and hot tub have been removed from the property.

The reasons for the recommendation, as stated in the Staff Report, are as follows:

The conditional approval of this request provides a reasonable use of the property, eliminates two illegal structures and provides additional protection for the structure from the floodplain. Variances should be granted only to provide the minimum relief necessary for a reasonable use of the property and only to accommodate physical limitations on a property that prevent a reasonable use of the property; not to accommodate the personal preferences or needs of the

current property owner. The property can be used for a permitted purpose without the need for a larger deck in the proposed configuration and in fact has been being used with the smaller, existing deck. The construction of any accessory structure, such as this enlarged deck in the proposed configuration, is not necessary to provide a reasonable use of any residential property. However, allowing construction of a rebuilt deck is reasonable to allow for safe ingress and egress from the house. In addition, as conditioned, the newly rebuilt deck will be located further from the floodplain than the existing deck and patio. While on the surface, it may seem to be an improvement to remove the patio from the floodplain and construct a larger deck 2 ft. from the floodplain. County staff believes it would actually result in a worse situation. The area of the proposed deck is only 0.01 ft. above the floodplain elevation (according to the 1997 survey provided by the petitioners) and a deck is more of an obstruction in a flood event than a patio. Therefore, the conditional approval of this request is within the purpose and intent of the Ordinance.

BA09:017 VIRGINIA BOWEN (Owner), OLD WORLD CRAFTSMEN, INC. (Builder):

Mr. Schmidt

*I make a motion to **approve** the request, in accordance with the Staff's recommendation, as stated in the Staff Report and for the reasons stated in the Staff Report with the following changes:*

Omit Condition Number 1.

The motion was seconded by Mr. Bartholomew and carried unanimously.

The Planning and Zoning Division staff's recommendation was for **approval** of the request for a variances from the remodeling a non-conforming structure in excess of 50% of its value requirements of the Ordinance and **approval** of the request for a special exception from the offset requirements of the Ordinance, with the following conditions:

1. Prior to the issuance of a Zoning Permit for the addition, the shed near the shore must be removed. This owner was required to remove a shed from the shoreline previously as a condition of the 2001 variance approval; therefore, the owner was aware that sheds require permits and are not permitted near the shoreline. It appears that the shed that is there today was constructed illegally sometime after the 2001 permit was issued.
2. The covered entry/porch is not to exceed 128 sq. ft. as proposed.
3. The covered porch is to be constructed in the location and configuration as depicted on the Plat of Survey dated October 3, 2008 and received by the Waukesha County Department of Parks and Land Use on May 1, 2009.
4. A Zoning Permit and Building Permit must be issued prior to commencing construction on the covered porch addition.

The reasons for the recommendation, as stated in the Staff Report, are as follows:

The approval of this request, with the recommended conditions, will allow a reasonable use of the property that is not unnecessarily burdensome and will result in the removal of an illegal non-conforming shed from the shoreline. It has been demonstrated, as required for a variance, that denial of the requested variances would result in an unnecessary hardship. The Waukesha County Board of Adjustment has previously granted multiple variances to allow substantial remodeling and additions to this non-conforming structure; the variance in 2002 doubled the size of the structure. Therefore, the Board has previously determined that it would be unreasonable not to allow the life of this building to be prolonged. It would be unreasonable and unnecessarily burdensome to now deny a 50% variance for this structure for a small addition. Further, the proposed covered entry appears to be only a few inches shy of the required 20 ft. setback and is in line with the front portion of the house and further from the lot line than the majority of the structure. The 50% variance and offset special exception, as recommended, will not have an adverse impact on any adjacent property or to the public in general because the addition will conform to all locational and area requirements. As recommended, the proposal provides a reasonable use of the property that is not unnecessarily burdensome and will permit remodeling and a small addition to the residence that are not detrimental to the surrounding neighborhood or contrary to the public interest. Therefore, the approval of this request, with the recommended conditions, is in conformance with the purpose and intent of the Ordinance.

BA09:018 RON RITTER (Owner), TODD WOZNIAK (Agent):

Mr. Day

*I make a motion to **approve** the request, in accordance with the Staff's recommendation, as stated in the Staff Report and for the reasons stated in the Staff Report with the following changes:*

Addition of Condition #10: "Prior to the issuance of a Zoning Permit, the Environmental Health Division must certify that the existing septic system is adequate for the proposed construction, or a Sanitary Permit for a new waste disposal system must be issued and a copy furnished to the Planning and Zoning Division staff."

The motion was seconded by Mr. Schmidt and carried unanimously.

The Planning and Zoning Division staff's recommendation was for **approval** of the request for variances from the offset, floor area ratio, and open space requirements of the Ordinance subject to the following conditions:

1. All existing structures (including the gazebo, shed, and patio near the shoreline) must be removed from the property prior to issuance of a Zoning Permit for the new residence.
2. The proposed residence and attached garage must be reduced in size and shall not exceed a total floor area of **approximately** 2,953 sq. ft. (19.5% floor area ratio). This includes the first

and second floors (not including the basement level), any covered decks, covered patios, and/or covered porches, and the attached garage. It would also include any newly proposed detached buildings.

3. The proposed residence must not exceed three stories (including any exposed basement level), as viewed from the lake. The proposed residence and attached garage must conform to the height requirements of the Ordinance.
4. The residence must be at least 7 ft. from the north and south lot lines, as measured to the outer edges of the walls and any windows/bump outs that extend further out from the structure than the walls, with overhangs not to exceed two (2) ft. in width.
5. Any sidewalks, stairs, or walkways along the sides of the residence must be located at least three (3) ft. from the side lot lines.
6. No new or rebuilt retaining walls will be permitted within 75 ft. of the lake. No retaining walls will be permitted within 5 ft. of the side lot lines, without approval from the Town of Merton Plan Commission and the Waukesha County Park and Planning Commission.
7. Prior to the issuance of a Zoning Permit, a complete set of house plans, in conformance with the above conditions, must be submitted to the Planning and Zoning Division staff for review and approval.
8. Prior to the issuance of a Zoning Permit, a new stake-out survey showing the location of the proposed residence, attached garage, any proposed decks or patios, as well as any proposed sidewalks, stairs, walkways, and/or retaining walls, in conformance with the above conditions, must be prepared by a registered land surveyor and submitted to the Planning and Zoning Division staff for review and approval. This survey must also show the field-located location of the 100-year floodplain elevation on the property. The survey must also indicate the surveyed lot size.
9. In order to ensure the construction of a new residence and attached garage does not result in adverse drainage onto adjacent properties, a detailed Grading and Drainage Plan, showing existing and proposed grades and any proposed retaining walls, must be prepared by a registered landscape architect, surveyor, or engineer and submitted to the Planning and Zoning Division staff for review and approval, prior to the issuance of a Zoning Permit. The intent is that the property be graded according to the approved plan, and also to provide that the drainage remain on the property or drain to the lake, and not to the neighboring properties or the road. This grading plan may be combined with the Plat of Survey required in Condition No. 8.

The reasons for the recommendation, as stated in the Staff Report, are as follows:

The approval of this request, with the recommended conditions, will allow a reasonable use of the property that is not unnecessarily burdensome. Further, the variances from offset, floor area ratio and open space are essentially temporary, as the structures on the property, as

conditioned, will be completely conforming once sewer is in place. In addition, the approval, as conditioned, will also result in the removal of three non-conforming structures near the shoreline. None of these structures are necessary for reasonable use of the property; further, the owner has proposed removing them as part of his application. As recommended, a total floor area of approximately 2,953 sq. ft. (not including the basement square footage) provides a reasonable use of the property, is not unnecessarily burdensome, is consistent with what has been approved for other new homes on this road, and will permit the construction of a residence and attached garage that will be appropriately sized for the lot, and not detrimental to the surrounding neighborhood or contrary to the public interest. Therefore, the approval of this request, with the recommended conditions, is in conformance with the purpose and intent of the Ordinance.

BA09:019 JEFFREY ELLIS (Owner), ARCHITECTURAL HOMES BY ANDERS, INC. (Builder):

Mr. Day

*I make a motion to **approve** the request, in accordance with the Staff's recommendation, as stated in the Staff Report and for the reasons stated in the Staff Report with the following changes to the conditions:*

Condition No. 2 shall be amended to read: "The proposed residence and any decks or patios, must be located at least 45 ft. from the shore of Ashippun Lake, and 14 ft. from the south lot line, as measured to the outer edges of the walls, provided the overhangs do not exceed two (2) ft. in width. If the overhangs exceed two (2) ft. in width, the building must be located so that the outer edges of the overhangs conform to the offset/setback requirements."

Condition No. 6 shall be amended to read: "Upon completion of the foundation of the residence, certification shall be obtained from a registered land surveyor that the floor elevations are in conformance with the above conditions. A copy of that certification must be submitted to the Town of Oconomowoc Building Inspector and the Planning Division staff for review and approval."

Condition No. 8 shall be amended to read: "Prior to the issuance of a Zoning Permit, a new and updated Plat of Survey showing the staked-out locations of the proposed residence, detached garage, and any appurtenances in conformance with the above conditions, must be prepared by a registered land surveyor and submitted to the Planning and Zoning Division staff for review and approval. The Plat of Survey shall include the 100-year floodplain elevation of 870.6 ft. amsl and the location of the wetland boundary as approved by the WDNR."

The motion was seconded by Mr. Schmidt and carried unanimously.

The Planning and Zoning Division staff's recommendation was for **approval** of the request for variances from the shore setback and floodplain setback requirements of the Ordinance, with the following conditions:

1. Prior to the issuance of a Zoning Permit, the Environmental Health Division must certify that the existing septic system is adequate for the proposed construction, or a Sanitary Permit for a new waste disposal system must be issued and a copy furnished to the Planning and Zoning Division staff.
2. The proposed residence, attached garage, and patio must be located at least 45 ft. from the shore of Ashippun Lake, 25 ft. from the 100-year floodplain elevation of 870.6 ft. amsl, and 14 ft. from the south lot line, as measured to the outer edges of the walls, provided the overhangs do not exceed two (2) ft. in width. If the overhangs exceed two (2) ft. in width, the building must be located so that the outer edges of the overhangs conform to the offset/setback requirements.
3. The residence shall not have a basement or a crawl space. The first floor of the residence must be at or above the flood protection elevation or at an elevation of 872.6 ft. amsl.
4. The proposed residence must be located a minimum outside of the right-of-way/easement, as measured to the outer edges of the walls, provided the overhangs do not exceed two (2) ft. in width. If the overhangs exceed two (2) ft. in width, the building must be located so that the outer edges of the overhangs conform to the setback requirements.
5. The approved Wisconsin Department of Natural Resources wetland boundary must be shown on the Plat of Survey required in Condition No. 8.
6. Upon completion of the foundation of the residence and attached garage, certification shall be obtained from a registered land surveyor that the floor elevations are in conformance with the above conditions. A copy of that certification must be submitted to the Town of Oconomowoc Building Inspector and the Planning Division staff for review and approval.
7. Prior to the issuance of a Zoning Permit, a complete set of house plans, in conformance with the above conditions, must be submitted to the Planning and Zoning Division staff for review and approval.
8. Prior to the issuance of a Zoning Permit, a new and updated Plat of Survey showing the staked-out locations of the proposed residence, attached garage, and any appurtenances in conformance with the above conditions, must be prepared by a registered land surveyor and submitted to the Planning and Zoning Division staff for review and approval. The Plat of Survey shall include the 100-year floodplain elevation of 870.6 ft. amsl and the location of the wetland boundary as approved by the WDNR.

9. In order to ensure the construction of a new residence does not result in adverse drainage onto adjacent properties, a detailed Grading and Drainage Plan, showing existing and proposed grades, must be prepared by a registered landscape architect, surveyor, or engineer and submitted to the Planning and Zoning Division staff for review and approval, prior to the issuance of a Zoning Permit. The intent is that the property be graded according to the approved plan, and also to provide that the drainage remain on the property or drain to the lake, and not to the neighboring properties or the road. The following information must also be submitted along with the Grading and Drainage Plan: a timetable for completion, the source and type of fill, a complete vegetative plan including seeding mixtures and amount of topsoil and mulch, an erosion and sediment control plan, and the impact of any grading on stormwater and drainage. This grading plan may be combined with the Plat of Survey required in Condition No. 8.

The reasons for the recommendation, as stated in the Staff Report, are as follows:

The approval of this request with the recommended conditions, will allow the petitioners to construct a new residence on the subject property. The proposed residence will be located 45 ft. from the shore and; the denial of the shore setback would require that the residence be located 60.5 ft. from the shore. Enforcing these setbacks, due to the fact the easement is not able to be vacated, renders the property unbuildable. Therefore, it has been demonstrated, as required for a variance, that denial of the request for variance from the shore setback and offset requirements would result in an unnecessary hardship. A hardship has been defined by the Wisconsin Supreme Court as a situation where compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome. As previously stated, if the required shore setback were imposed on all sides, no building envelope would be available. Allowing a reduced shore and floodplain setback will allow for a reasonably sized building envelope while maintaining a buffer between the proposed residence and both the floodplain and the wetland. It should be noted that the wetland is located on the other side of the roadway from the proposed residence. North Shore Dr. is a 66 ft. wide public easement that is currently maintained by the Town of Oconomowoc. North Shore Dr. is a dead-end road that ends at the adjacent property to the north of the subject property. The proposed residence will be located outside of this current roadway easement. Therefore, the approval of this request, with the recommended conditions is within the purpose and intent of the Ordinance.

BA09:020 MICHAEL AND KELLY BEGLAR (Owners), CAROL UEBELACKER (Applicant):

Mr. Day

*I make a motion to **uphold** the Planning & Zoning Division staff's decision to issue a zoning permit for a new single family residence with attached garage and detached boathouse to Michael and Kelly*

Beglar for property located at N52 W35577 Lake Drive, Oconomowoc, WI, 53066 for the reasons stated in the staff report as well as additional reasons stated on the record at the public hearing.

The motion was seconded by Mr. Schmidt and carried unanimously.

The Planning and Zoning Division staff's recommendation was to **deny the appeal and uphold** the staff decision to issue a zoning permit for a new single family residence with attached garage and detached boathouse to Michael and Kelly Beglar for property located at N52 W35577 Lake Drive, Oconomowoc, WI, 53066.

1. The appeal was not made in a timely manner. The Waukesha County Shoreland and Floodland Protection Ordinance requires that appeals to the board of adjustment shall be taken within twenty (20) days from the date of the decision of the zoning administrator or other administrative officer. The appeal was not made until 42 days after the Zoning Permit was issued. This is more than double the allowable timeframe for appeal.
2. In the event that the Board feels the appeal is valid despite the late appeal, Waukesha County Planning and Zoning Division staff contends that the Zoning Permit was not issued in error. Section 3(s)(1) first states “**Boathouses**, as defined by this ordinance and in section 30.01(1d) of the Wisconsin Statutes, **are permitted in any district abutting a public or private body of water in which a single-family dwelling is permitted by right** and subject to the terms and the conditions set forth herein and section 30.121 of the Wisconsin Statutes.” A single family dwelling is permitted by right in the R-2 District; therefore, a boathouse is permitted as long as it can meet all other provisions in the Ordinance, which the boathouse in question does. Although Section 3(s)(3) goes on to state “*No boathouse is permitted unless a single family dwelling is already present on the lot.*”, it has always been the policy and opinion of the Waukesha County Planning and Zoning Division, with the support of the Waukesha County Corporation Counsel, that the intent of this requirement is met as long a permit for a home has been issued in conjunction with the boathouse permit. The intent of the Ordinance provision is to ensure that an accessory building is not present on a lot without a principal structure; not to prohibit boathouses on lots where they would otherwise be permitted just because a house has not yet been built. It should also be noted that the residence on this property is under construction along with the boathouse.
3. Waukesha County does not and cannot enforce subdivision restrictions. The County can only enforce the County Ordinances and Codes and deed restrictions the County specifically places on a property in conjunction with ensuring compliance with said County Codes and Ordinances.

The reasons for the recommendation, as stated in the Staff Report, are as follows:

The purpose and intent of the Ordinance is upheld by issuance of the Zoning Permit in question. Therefore, the denial of the appeal of the Zoning Permit is also within the purpose and intent of the Ordinance.

BA09:021 DENNIS AND DAWN BRADY (Owners), PAUL SCHULTZ (Agent):

Mr. Bartholomew

*I make a motion to **approve** the requested variances and special exception for the reasons stated in the staff report and as discussed by the Board of adjustment at the public hearing, with the conditions as recommended by the staff with the following changes:*

Condition No. 2 shall be amended to read: “The building shall not exceed 25 ft. in height as measured from the lowest exposure to the peak of the roof).”

The motion was seconded by Ms. Bonniwell and carried unanimously.

The Planning and Zoning Division staff’s recommendation was for **approval** of the request for variances from the offset, floor area ratio, and open space requirements as well as **approval** of a special exception from the accessory building floor area ratio requirements, but **denial** of the requested variance from the accessory building height requirements of the Ordinance, subject to the following conditions:

1. The new garage shall not exceed 20 X 24 (480 sq. ft.) in size on each level in order to achieve an additional one (1) ft. of offset on each side.
2. The building shall meet the height requirements of the Ordinance (i.e. maximum height of 18 ft. as measured from the lowest exposure to the peak of the roof).
3. The new garage shall be at least six (6) ft. from the eastern and western lot lines, as measured to the outer edges of the walls, provided the overhangs do not exceed two (2) ft. in width. If the overhangs exceed two (2) ft. in width, the building must be located so that the outer edges of the overhangs conform to the offset/setback requirements.
4. Prior to the issuance of a Zoning Permit, a complete set of building plans, in conformance with the above conditions, must be submitted to the Planning and Zoning Division staff for review and approval.
5. Prior to the issuance of a Zoning Permit, a Stake-Out Survey showing the location of the detached garage in conformance with the above conditions, must be prepared by a registered land surveyor and submitted to the Planning and Zoning Division staff for review and approval.
6. In order to ensure the construction of the garage does not result in adverse drainage onto adjacent properties, a detailed Grading and Drainage Plan, showing existing and proposed grades, must be prepared by a registered landscape architect, surveyor, or engineer and submitted to the Planning and Zoning Division staff for review and approval, prior to the issuance of a Zoning Permit. This Grading Plan may be combined with the Plat of Survey required in Condition No. 5.

The reasons for the recommendation, as stated in the Staff Report, are as follows:

The approval of this request, as conditioned, will allow the construction of a garage that provides a reasonable use of the property. However, it is possible to construct a smaller than requested garage that provides a reasonable use that is more conforming to the FAR and offset requirements than the requested proposal. The garage, as modified above, should be reduced in width and height and will still provide for a reasonable use of the property and will take advantage of this severe slope. It is also important to note that the Ordinance requires that the lower level of detached garages be counted against the floor area ratio requirements; however, if this were an attached garage, the lower level would not count. If the lower level was not counted, as conditioned (i.e. 20 ft. X 24 ft.), the floor area ratio would be 26.7% (3,062 sq. ft.), rather than 32% as proposed. Although this is still a high floor area ratio, there is no garage on the property. The existing residence predates the Ordinance. The Waukesha County Board of Adjustment has previously determined that a garage is necessary for reasonable use of a residential property. This approval, as conditioned, will result in 3,542 sq. ft. of living and storage space (not including the exposed basement level), which provides for a garage and a reasonable use of this non-conforming property. Therefore, the approval of this request, as conditioned, will be in conformance with the purpose and intent of the Ordinance.

BA09:022 RICHARD AND LAURAROLLO (Owner), PAUL HOPPA (Builder):

Mr. Day

*I make a motion to **approve** the request, in accordance with the Staff's recommendation, as stated in the Staff Report and for the reasons stated in the Staff Report, with the following change to the conditions:*

Condition No. 2 shall be amended to read: "On or before August 1, 2009, an updated (or recent) Plat of Survey showing the locations of the residence, attached garage, and any appurtenances, must be prepared by a registered land surveyor and submitted to the Planning and Zoning Division staff for review and approval. The Plat of Survey shall demonstrate that there is no expansion of the building footprint."

The motion was seconded by Mr. Bartholomew and carried unanimously.

The Planning and Zoning Division staff's recommendation was for **approval** of the request for a variance from the remodeling a non-conforming structure in excess of 50% of its fair market value requirements of the Waukesha County Shoreland and Floodland Protection Ordinance and **approval** of the special exception from offset requirements of the Ordinance, subject to the following conditions:

1. The project shall not result in any expansion of the footprint of the building.

2. Prior to the issuance of a Zoning Permit, an updated (or recent) Plat of Survey showing the locations of the residence, attached garage, and any appurtenances, must be prepared by a registered land surveyor and submitted to the Planning and Zoning Division staff for review and approval. The Plat of Survey shall demonstrate that there is to be no expansion of the building footprint.

The reasons for the recommendation, as stated in the Staff Report, are as follows:

The approval of this request, with the recommended conditions, will allow a reasonable use of the property that is not unnecessarily burdensome. The Waukesha County Board of Adjustment has previously granted multiple variances to allow substantial remodeling and additions to this non-conforming structure. Therefore, the Board has previously determined that it would be unreasonable not to allow the life of this building to be prolonged. It would be unreasonable and unnecessarily burdensome to now deny a 50% variance for this structure for a very small interior remodel. The 50% variance and offset special exception, as recommended, will not have an adverse impact on any adjacent property or to the public in general because there will be no expansion of the footprint of the structure. As recommended, the proposal provides a reasonable use of the property that is not unnecessarily burdensome and will permit remodeling to the residence that is not detrimental to the surrounding neighborhood or contrary to the public interest. Therefore, the approval of this request, with the recommended conditions, is in conformance with the purpose and intent of the Ordinance.

OTHER ITEMS REQUIRING BOARD ACTION: None.

ADJOURNMENT:

Mr. Day *I make a motion to adjourn this meeting at 9:52 p.m.*

The motion was seconded by Mr. Bartholomew and carried unanimously.

Respectfully submitted,

Nancy M. Bonniwell
Secretary, Board of Adjustment